

### **REMARKS**

This is in response to the Office Action mailed September 13, 2004. In the Office Action, Applicant's Claims 24 and 31-40 were rejected. In addition, an objection was made to one of the drawings. This response addresses all the issues raised in the Office Action. Reconsideration of the present application is respectfully requested.

#### **I. Double patenting - Claim 24.**

In the Office Action, Applicant's Claim 24 was rejected for statutory double patenting. This response includes an amendment of Claim 24 that addresses this rejection.

#### **II. Double patenting - Claims 31-40.**

In the Office Action, Applicant's Claims 31-40 were rejected for obviousness-type double patenting over U.S. Pat. No. 6,298,303 in view of U.S. Pat. No. 6,678,611. Applicant does not agree that these claims are obvious over this combination of prior patents. However, in the interest of expediting prosecution and allowance of the present application, Applicant has included a terminal disclaimer to address the rejection. Included with this response is an authorization for payment of the fee associated with the terminal disclaimer.

#### **III. Objection to FIG. 18.**

In the Office Action, an objection was made to Applicant's FIG. 18. As requested by the Examiner, a replacement sheet for FIG. 18 is included in accordance with 37 CFR 1.84(c).

#### **IV. Rejection of Claims 24 and 31-40 under 35 U.S.C. 112, second paragraph.**

In the Office Action, Applicant's Claim 24 was rejected for indefiniteness. Applicant submits that Claim 24, as filed, fully satisfied the requirements of 35 U.S.C. 112, second paragraph. However, in the interest of expediting allowance of the present application, Applicant has amended Claim 24 to address the noted claim language.

**V. Rejection of Claims 24 and 31-40 under 35 U.S.C. 103.**

In the Office Action, Applicant's Claims 24 and 31-40 were rejected as obvious over the combination of Yagyu (U.S. Pat. No. 5,899,955) and Nomura (U.S. Pat. No. 6,751,609). Applicant respectfully traverses this rejection because these references, even if combined, do not disclose all the limitations of Applicant's claims.

Applicant's independent Claim 24 relates to a method of performing route calculation that takes into account "*real time traffic information.*" Applicant's Claim 24 calls for the step of "*receiving a wireless transmission*" that indicates "*weightings*" that apply to roads in a road network. Then, Applicant's Claim 24 calls for "*calculating a solution route*" between a first location and a second location where the "*solution route*" includes a "*list*" that includes a selection of the "*road segment records.*" The "*list*" is obtained by forming a "*search tree formed of a plurality of gates.*" Each "*gate*" represents a "*physical location*" on the road network and an "*accessible direction*" relative to the "*physical location.*" Then, Applicant's Claim 24 calls for "*identifying*" which of the "*road segment records*" the "*weightings*" apply to. Then, Applicant's claim calls for "*incrementing*" each "*gate*" in the "*search tree*" that corresponds to a "*road segment record*" to which one of the "*weightings*" applies. Next, Applicant's Claim 24 calls for the step of "*growing*" the "*search tree*" by "*expanding gates to form successor gates.*" Finally, Claim 24 recites the step of "*evaluating*" which of the "*successor gates*" to select for expansion using the "*weighted gates.*"

Yagyu relates to a route calculation method that uses a database organized into hierarchical levels. (Yagyu: column 8, lines 45-49.) The different hierarchical levels have different levels of detail. For example, a lower level includes all roads, but a higher level includes only freeways and national roads. (Yagyu: column 9, lines 37-60.) Yagyu discloses how to use these different hierarchical levels to calculate an optimum route. Yagyu includes no disclosure that traffic information can be obtained, that traffic information can be related to the disclosed hierarchically organized route calculation database, or that an optimum route can be calculated using traffic information and the disclosed database.

Nomura discloses a map database for use in navigation systems. (Nomura: column 3, lines 21-47.) Nomura discloses that the map database may include more than

one name for the same intersection so that appropriate route guidance information can be provided to a vehicle driver regardless of the direction from which the driver is approaching the intersection. (Nomura: column 8, lines 23-52.) Like Yagyu, Nomura discloses a hierarchically organized database for route calculation. (Nomura: column 11, lines 10-33.) Also like Yagyu, Nomura includes no disclosure that real time traffic information can be received, that the real time traffic information can be used with the disclosed database structure or that an optimum route can be calculated taking into account the real time traffic information.

Applicant's Claim 24 is not obvious over the combination of Yagyu and Nomura because these references, even if combined, fail to disclose or suggest all the limitations recited in the claim. Specifically, the combination of Yagyu and Nomura fails to disclose or suggest at least three of the six steps recited in Applicant's Claim 24. First, the combination of Yagyu and Nomura fails to disclose or suggest the step of "*receiving a wireless transmission*" that indicates "*weightings*" that apply to roads in a road network, as recited in Applicant's Claim 24. Yagyu and Nomura also fail to disclose or suggest the step recited in Applicant's Claim 24 of "*identifying*" which of the "*road segment records*" the "*weightings*" apply to. Finally, Yagyu and Nomura fail to disclose or suggest the step recited in Applicant's Claim 24 of "*incrementing*" each of the "*gates*" in the "*search tree*" that corresponds to a "*road segment record*" to which one of the "*weightings*" applies.

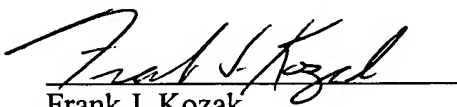
In the Office Action, the Examiner asserted that using traffic conditions as a weighted component in selecting an optimal route would have been well known. However, the Examiner provided no support for this conclusion nor has the Examiner cited any references. Applicant submits that there is no teaching or suggestion in the prior art that would motivate one of ordinary skill in the art to combine the teachings of Yagyu and Nomura, and then modify the resultant combination to add the three steps, identified above, of Applicant's Claim 24 that are entirely missing from Yagyu or Nomura. Because the combination of Yagyu and Nomura fails to disclose all the limitations of Applicant's Claim 24, this claim is not obvious. Applicant respectfully requests the Examiner to withdraw the rejection of Claim 24.

Applicant's dependent Claims 31-40 are not obvious over the combination of Yagyu and Nomura at least for the same reasons as stated in connection with Claim 24. In addition, these dependent claims recite further features and limitations that are neither disclosed nor suggested by these references.

**VI. Conclusion**

All the issues in the Office Action dated September 13, 2004 have been addressed. Favorable consideration of the present application is requested. If any issues remain, the Examiner is invited to call the undersigned.

Respectfully submitted,



Frank J. Kozak  
Reg. No. 32,908  
Chief Intellectual Property Counsel

NAVTEQ, North America, LLC  
(formerly NAVIGATION TECHNOLOGIES CORPORATION)  
222 Merchandise Mart Plaza, Suite 900  
Chicago, Illinois 60654  
(312) 894-7000 x7371